



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE J.NISHA BANU

C.R.P.(MD) No.1313 of 2019

Paulraj

... Petitioner/1st Respondent/1st Defendant

-Vs-

1.Thanislaus

...1st Respondent/Petitioner/Plaintiff

2.Jeyaseelan

3.Jagis

4.Abisha

5.Arul Inbaseelan

6.The Revenue Divisional Officer

Padmanabhapuram Office at Mettukadai

Thuckalay

Thuckalay Post, Thuckalay Village

Kalkulam Taluk, Kanyakumari District

7.The Sub Registrar

Verkizambhi

Office at Verkizambhi

Verkizambhi Post

Meycode Village

Kalkulam Tauk

Kanyakumari District

8.The State of Tamil Nadu

Represented by the District Collector

Nagercoil, Kanyakumari District

... Respondent Nos. 2 to 8

/Respondent Nos. 2 to 8

/Defendant Nos. 2 to 8

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of a direction, to direct Trial Court to dispose the I.A.No.253 of 2018 in O.S.No.296 of 2014 on the file of the Additional District Munsif Court, Padmanabhapuram within the time prescribed by this Court.

**ORDER**

This Civil Revision Petition has been filed seeking a direction to dispose the I.A.No.253 of 2018 in O.S.No.296 of 2014 on the file of the Additional District Munsif Court, Padmanabhapuram within the time prescribed by this Court.

2.The learned counsel for the petitioner would submit that the first respondent as plaintiff filed a suit in O.S.No.296 of 2014 to declare the Judgment and Decree dated 15.02.2006 in O.S.No.13 of 2005 and the Judgment and Decree dated 14.03.2012 in O.S.No.379 of 2011 as null and void and also the relief of permanent injunction restraining the petitioner from disturbing the peaceful possession and enjoyment of the suit schedule property. In this circumstance, the first respondent/plaintiff filed an application in I.A.No.253 of 2018 in O.S.No.296 of 2014 for filing a reply statement to the counter filed by the petitioner/1st defendant in O.S.No.296 of 2014. The grievance of the petitioner is that at the request of the first respondent/plaintiff, I.A.No.253 of 2018 was adjourned by nine hearings for filing reply statement of the written statement and the said I.A was pending from 27.09.2018 onwards, without any progress. The further grievance of the petitioner is that he is aged about 65 years and only with an intention to drag on the proceedings in the suit, the said I.A has been filed. Hence, the petitioner has come forward with this Civil Revision Petition seeking for early disposal of the Interlocutory Application.

3. Heard the learned counsel for the petitioner.

4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondents by ordering this petition, this Court is of the view that notice need not be sent to the respondents.

5. Considering the facts and circumstances of the case and considering the age factor of the petitioner, this Court feels that ends of justice would be met by directing the Court below to dispose of the I.A.within a time frame. Without advertting to the merits of the case, a direction is issued to the learned Additional District Munsif, Padmanabhapuram to dispose the I.A.No.253 of 2018 in O.S.No.296 of 2014 on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //



To,
The Additional District Munsif, Padmanabhapuram

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-80945[F] dated
09/08/2019)

C.R.P. (MD) No.1313 of 2019
09.08.2019

msa

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